

United States District Court for the District of Vermont

Damian John Renzello

Plaintiff

v,

Michael Nelson

Defendant

8-31-2015
KAK

File No. 1:05-CV-153

OPPOSITION TO

**PLAINTIFF'S MOTION TO: HOLD DEFENDANT IN CONTEMPT; SEEK FOR THE COURT TO
IMPOSE DAMAGES**

and Various Motions and Requests, including without limitation preliminary motion for to
VACATE actions, orders, hearings and motions for failure to provide ANY basic NOTICE!

DUE PROCESS of LAW GUARANTEED BY THE US CONSTITUTION

"Life, Liberty and Property".— The language of the Fourteenth
Amendment requires the provision of due process when an interest in one's
"life, liberty or property" is threatened.

Here is Mike Nelson, Filing Pro Se EMERGENCY MOTION in OPPOSITION to motion received
by parents at their home in Rhode Island, this Emergency Motion is being made from an
overseas location, and sent via the most expedited delivery means possible

The Defendant has NOT been noticed of any Requests, Notices to Cure per the terms of
Settlement Agreement, nor any notices, hearings held or orders made.

RESPONSE to Numbered statements in the Plaintiff's motion, together with motions and
requests:

- 1.) DENIED. Defendant has NOT Received any Certified Mail or in process service
regarding any matter before the court since the date of Settlement of this matter.

Additionally, the Defendant's parents address has been known to the court and the plaintiff
since the onset of this matter, and appears within the court record and the court via it's own
orders has in the past dispatched a United States Marshall to the home of the parents of the
Defendant. NO service of process, letter either by registered mail NOR by First Class mail has
been sent to the defendant's parents nor any other address towich the defendant would
normally be reached despite having a permanent residence in Nevada since 2002

- 2.) Defendant was NOT noticed of any hearing before the court and therefore motions that all and any hearings before the Court be immediately and forever VACATED. The Defendant has RIGHTS and the right to fair notice of hearings and motions should be upheld by any Court in the United States to demonstrate to the justice system and the world at large that notions of FAIR and EQUAL justice are upheld by the United States of America, and trickery, deceit and otherwise unfair play is not condoned by the United States of America's Judicial System.
- 3.) FALSE! DENIED. The defendant if the defendant had been noticed of any breach complained of by the plaintiff would have immediately replied per the terms of the settlement agreement, and provided cure or defense to accusations.
- 4.) DENIED. The website listed here is a website which is NOT owned by the defendant or anyone the defendant knows.

The defendant submits this website contains content which by all appearance is screen scraped (via use of a macro program) from the website RipOffReport.com nearly all the content contained on the website USComplaints.com is content which is identical to the content contained on the website RipOffReport.com

The attached and fully incorporated herein document contains detailed analysis of the content on USComplaints.com which is complained of in this motion by the plaintiff. The attached and fully incorporated herein analysis shows in painstaking detail how easy it is to determine the source of this duplicate and copied content which appears to have been first listed on the internet on 19 July 2010;

Additionally the defendant submits the plaintiff has maliciously and purposefully with malice wrongly attributed such content to the defendant.

The Plaintiff has further purposefully and with malice made statements which are UNTRUE and meant to purposefully interfere with and otherwise cause the defendant financial losses these include without limitation: HATE CRIMES (regarding sexuality), false statements regarding the education, FALSE statements regarding alcohol intoxication, FALSE statements as to the business and profession, false statements as to a host of other defamatory and knowingly false statements including statements that the defendant has been arrested numerous times all these and many more besmirching statements are made by the plaintiff.

- 5.) Without the knowledge to confirm this information. However a COMPLETE copy of the whois information as retrieved from ICANN the Internet Corporation for Assigned Names and Numbers, is attached, as well as detailed analysis of the website in question.

The defendant additionally MOVES and makes motion for the plaintiff to be held liable for all costs associated with frivolous statements and assertions to the court; as well as for SANCTIONS to be imposed against the plaintiff for failing to provide evidentiary support to outlandish claims made and therefore wasting the time of this court and the defendant.

Please see the detailed analysis of the website in question and the hosting information of such. The defendant submits to this court that information on the internet is NOT subjective as to who owns the information or posted such information on the Internet can be determined with absolute certainty. This court has subpoena powers and MUST exercise those powers prior to any judgment or order against any party, to make determinations in a subjective manner involving the internet is to bring discredit upon the United States of America's Judicial System and bring into question ANY and ALL actions the United States of America's Judicial system takes on any subject matter of the Internet. Such action by this or any court in the United States could have dire consequences on the legitimacy that countries around the globe place on decisions made by the Judiciary in the United States.

- 6.) If this or any Federal Court of the United States has held hearings and made determinations without providing proper notice to the opposition it brings into question the legitimacy of all legal proceedings in the United States of America. The United States of America's Judicial System is relied upon as a foundation and example to the rest of the world.

The defendant submits any finding of the court as described by the plaintiff would be a finding made in grave error, as the defendant was NOT noticed per the requirements of the settlement agreement for cure, and the defendant was NOT noticed in any way of any hearings by the court, additionally the defendant submits that the defendant has NOT engaged in any pattern of postings on the internet concerning the plaintiff. The defendant further submits that a cursory review of the comments complained of in this action appear to be directly copied from a posting made on July 19, 2010; and the defendant further submits the plaintiff himself has made REPETITIVE posts liking the comments of another to comments of the defendant and furthermore those repetitive comments by the plaintiff are made with malice, are knowingly false and made with the expressed intent to cause personal and financial harm to the defendant and others. The Plaintiff should be reprimanded for the comments made by him.

- 7.) Again the defendant is without ANY notice whatsoever of any hearings, nor properly noticed complaints of the plaintiff.

The defendant submits that the plaintiff is his own worst enemy by constantly and consistently over a period of years making crazy postings liking any complaint by customers or clients of the plaintiff to statements of the defendant. Everytime the plaintiff makes a new posting or responds in a negative way to postings of another the plaintiff "renews" the posting and creates MORE content therefore inviting more traffic to the posting.

The Defendant an expert on internet technology and cryptography, submits he has served as an expert witness and even governmental consultant a detailed analysis describing how information is created and indexed on the search engines is attached hereto for reference and incorporated herein by reference; additionally another document is incorporated herein which describes in detail how each filing in this Federal Court just further agitates any and all content referenced herein.

- 8.) The defendant has NOT received any such notice and is without any information to corroborate such statement. Further the defendant submits that this is covered by the 2007 settlement agreement and the defendant further submits the defendant is in compliance with such agreement.

In an effort to avoid additional costs to the courts, the defendant additionally submits a statement of "cure" to the complained of content which is NOT attributable to the defendant, this statement of "cure" as is required by the Settlement Agreement entered into by the Plaintiff and the Defendant shall be filed with the other within 30 days of receiving notice of a complaint regarding violation of the agreement.

While the notice of complaint/violation of the agreement appears to have been fraudulently represented to the court as having been noticed upon the defendant who submits he has received no notice

None-the-less in the interest of time and cost savings to the courts the defendant submits a statement of "cure" to the complained of content and in usual fashion the defendant goes ABOVE and BEYOND to offer expertise, advice and counsel to assist the Plaintiff and the Court.

In no way should the Plaintiff be rewarded or encouraged to continue to follow a futile cause of bothering the courts with frivolous complaints only to receive FREE / NO charge expertise and guidance, the plaintiff should be encouraged by the courts to seek on-going expertise and guidance for the issues of interest to him and his business reputation.

In short the Plaintiff MUST move on with their life and NOT further agitate dumb comments made online by disgruntled persons/customers. Additionally the defendant submits he has NEVER heard of and knows nothing of any enterprise, association, event, game, group, place, location etc. named: "Vermont Roof Wash"; the defendant requests information regarding what this is or means so the defendant can determine if this name has anything to do with who the disgruntled person is who is complaining of the plaintiff.

Given the following FACTS, the plaintiff has had multiple people upset at him over the years, besides the defendant, Damian J. Renzello has been accused by investors of defrauding them and has been taking to court, there are court documents, he has even had investigations into his conduct by the VERMONT ATTORNEY GENERAL's Office and he [Damian John

Renzello]has engaged in an ongoing pattern of trickery and deceit against many individuals besides only the defendant:

- a.) **The Vermont Attorney General, by and through an Assistant Attorney General launched an investigation into Mr. Damian J. Renzello for CONSUMER FRAUD!**

In the interests of time the defendant submits just a part of this article and requests the court to examine the entire article at the link published below.

Debra L. Leahy, Assistant Vermont Attorney General spearheaded the action stating: "My concerns are that he's using the name of the state." Leahy went on to comment: "It implies some kind of connection and there isn't any. In our opinion, that was a violation of the Consumer Fraud Act.", stated Leahy who is believed daughter of Vermont US Senator and Senate Judiciary Chairman Patrick J. Leahy, who nominated presiding Judge Garvan Murtha. Deputy Secretary of State for the State of Vermont said "Renzello was trying to capitalize on an appearance of affiliation with the state." According to the Times. "He was clearly trading on the State of Vermont name" stated Bristow. Renzello attempted to sue the State of Vermont the suit was immediately dismissed. Renzello was forced to admit consumer fraud and his fraudulent business operations ceased.

LINK to the Article and note: [While the defendant submits he was consulted on an article which appeared first 7 March 2007, a link to the article appears below. The defendant was not the ultimate author thereof, additionally the defendant and the plaintiff at the time were still engaged in this litigation which finally was settled several months later after nearly two years of dealing with the unfounded extortion demands of the plaintiff.]

<http://express-press-release.net/35/Fraud%20Against%20the%20Government%20is%20Rampant%20in%20Vermont%20According%20to%20Court%20Documents.php>

- b.) The same article referenced above also references a lawsuit which was overseen by David Bookchin a lawyer from Montpelier, Vermont, and involved an investor of Mr. Renzello Donald Routhier, who was essentially DEFRAUDED by Mr. Renzello to the believed tune of SEVERAL HUNDRED THOUSAND DOLLARS; the court should issue a subpoena for complete record file of the case, to see Mr. Renzello often engages in a pattern of deception, and fraud in court proceedings. The above article listed in (a) above references: "Buddy Inc. (an entity believed controlled by Donald Routhier at the time) filed suit **against Renzello in Vermont Superior Court charging him with unjust enrichment and theft of intellectual property,** the

case was apparently settled with Renzello signing over numerous pieces of intellectual property to MyBuddy Inc.

Additionally it would appear this article has been reprinted in parts numerous times by others!

9.) The Defendant is without knowledge NOR a copy of any such order or warning and therefore requests such order.

The Defendant further moves for any orders against the defendant to be immediately VACATED on grounds the defendant did not receive proper notice.

The defendant additionally submits in the interests of time and costs to the court and to avoid interlocutory and other appeals and specialized Rule 22 and other rule motions to the USSC which only further complicate and provide negative publicity in public records; defendant suggests the defendant would be willing to acknowledge and accept a NEW Order of the Court after any current Order is VACATED upon the grounds listed above,

that new ORDER should be directed to BOTH the Plaintiff and the Defendant in this matter and should make it very clear that BOTH parties are NOT to engage in ANY contact with the other OR their families and BOTH parties shall refrain and be FOREVER ENJOINED from making comments orally, in writing, on or off the internet regarding the other, or their family members or their businesses, products, professions, education, lives etc. AND that any future violations of the Court's Order by EITHER party will result in a finding of contempt or damages and punitive damages, after the offending party receives ACTUAL notice.

10.) The Defendant is without any knowledge of the Order nor does the Defendant have a copy of the Order and again any such order the Defendant has already MOVED to have the order VACATED for cause.

However A through C listed sound reasonable and since the plaintiff writes them as if it is his own hand, although it is believed the writing is being made by a ghostwriting attorney, the defendant requests and therefore so motions for the court to require the plaintiff to reveal the name of the ghostwriting individual, as per proper by FRCP Rule 11.

11.) The Defendant is NOT a pamphleteer, the defendant has NO INTEREST in the Plaintiff the defendant has no economic, emotional, nor any other reason for gain in thinking about, writing about, or bothering in any way the plaintiff.

The plaintiff is obsessed with me and needs to MOVE ON with their life!

12.) No idea what this case references or how it relates in anyway to the motion being sought. Mr. Renzello is feeding this court with frivolous meaningless cases, the ghostwriting attorney for

Mr. Renzello needs to be exposed and SANCTIONED! Rule 11 of FRCP is being violated by this ghostwriting attorney.

13.) Defendant is NOT publishing, talking about, thinking about or in anyway causing any information to be disseminated about the Plaintiff. Plaintiff needs to STOP obsessing and needs to MOVE ON WITH HIS LIFE.

If Plaintiff Renzello would simply STOP and not retort to disgruntled customers or posts or whatever they would be buried so deep no one would see them!

"All business will get complaints. How those businesses take care of those complaints is what separates good businesses from bad businesses. Consumers love to do business with someone that can admit mistakes and state how they made improvements." from RipOffReport.

HOW Mr. Damian J. Renzello responds to comments on message boards will determine how people view him and his business. Many find it best NOT to respond at all and the comments and thread DIES, and is buried hundreds or thousands of pages deep and/or is eventually completely REMOVED from Search Engine Indexing!

"The tradition of anonymous speech is older than the United States. Founders Alexander Hamilton, James Madison, and John Jay wrote the Federalist Papers under the pseudonym "Publius " and "the Federal Farmer" spoke up in rebuttal. The US Supreme Court has repeatedly recognized rights to speak anonymously derived from the First Amendment."

I AM NOT THE ANONYMOUS PERSONS, (there are obviously MORE THAN ONE), Speaking about Mr. Renzello ANYWHERE on the INTERNET!

Mr. Renzello would like the court to believe I am the ONLY person he has EVER had an issue with! Mr. Renzello has been investigated by the VERMONT ATTORNEY GENERAL for CONSUMER FRAUD! Mr. Renzello has been SUED for Unjust Enrichment, THEFT of Intellectual Property, FRAUD by investors he TOOK MONEY from! There are plenty of customers who were upset about the product they received when I was working along-side Mr. Renzello, how you handle those customers says EVERYTHING about your business. I would handle complaints from customers immediately and head on so they would not need to resort to any other action.

14.) Defendant is NOT now or at all speaking ill of Mr. Renzello! I have NO INTEREST in Mr. Renzello or how he chooses to live his life, spend his time, make a living etc.

I have taken the time to respond in line to each assertion in Mr. Renzello's "sundry" of precics, I would like to point out to the court that Mr. Renzello admits he has the ability to work through questions of customers when he describes his last problem in 2010 and states he was able to "save" a deal after having questions arise. Where is his damage? Mr. Renzello is fantasizing he has any "lucrative deals". TEN YEARS ago when he initiated this FRIVOLOUS litigation and throughout the litigation Mr. Renzello claimed the business was NOT PROFITABLE! Now TEN YEARS later can Mr. Renzello point to a profitable business? Has Mr. Renzello EVER paid taxes and been profitable in his businesses?

15.) I AM NOT thinking about Mr. Renzello, talking about him or posting about him. Mr. Renzello needs to confront any negative content online with either 1) ignoring the content and it disappears from the internet or 2) responding in a professional way which would instill confidence by a person reading it that Mr. Renzello is an upstanding guy with a few disgruntled customers or investors.

16.) Exactly. How businesses respond to negative postings says EVERYTHING that business!

17.) Disagree. There are many companies big and small with disgruntled persons filing complaints.

18.) This might be a fact, but like wise how a person deals with online postings can also instantly dissuade a person from believing any online posting. Honestly if a business has not a single bad review after 20+ years in business it would be quite remarkable.

19.) I don't recall the date of the agreement and I am without a copy at present; from what I recall of the agreement this is true, in addition I agreed I would not manufacture, sell or assist in the sale of ice rinks and both parties agreed to NO CONTACT of each other OR Family members!

Mr. Renzello has consistently and repeatedly breached this agreement for years and years. I have chosen on the advice of others to IGNORE Mr. Renzello, demand he cease and desist from threats, request he stop contact, demand he stop stalking. We have collectively been advised that hailing Mr. Renzello back to court is a waste of time as it will only fuel his paranoia and create further burdens and costs to the Judicial system.

20.) YES! This sounds about correct, despite this statement Mr. Renzello makes he has initiated contact numerous times via social media, phone, and postings all seeking the same thing MONEY!

He has made threats involving third parties, he has encouraged others to make threats of violence, he makes wild claims about being able to pay people to commit ARSON and get away with it, and claims ties to biker gangs like the Hells Angels and ties to organized crime.

21.) Mr. Renzello's FIRST notice via registered mail was received in August of 2015, and was made via the motion to which this is a response with a series of motions contained herein.

Since this is the FIRST notice of any complaint using proper channels of communication, I have taken the liberty to respond to each of the assertions made and although NOT required to provide detailed examples and information as to how to correct the issues of concern to Mr. Renzello I have gone out of my way to HELP him and make suggestions on how he can help himself.

I do NOT own any website he is complaining of, I have not interfered with him, any responses to Mr. Renzello's uninvited contacts have been either ignored or polite requests for him to refrain from contact have been made!

22.) I believed it was more of a WALL with certain assertions that the parties were not to contact each other, Mr. Renzello is obsessed and cannot seem to move on with his life in a professional and logical way.

It would appear every issue, personal or in business that Mr. Renzello has in the future or in the past will be blamed on me, bottom line the only times the ice rink business appeared to have a future or be profitable is when I was involved, either from the onset with fixing the deficiencies in the product or fixing the marketing or fixing the sales and support.

Mr. Renzello needs to MOVE ON to something else if the business does not work. I cannot and will not be EXTORTED into working for Mr. Renzello or supporting him for the rest of his life. Bottomline if the business does not work then MOVE ON to something that does work.

23.) Any hearing and order are one-sided and were orchestrated through trickery to prevent the defendant from having the opportunity to be heard or the opportunity to present a defense, or even the opportunity to receive notice and opportunity to either cure the alleged violation or explain the alleged violation or even give guidance or recommendation on how to move on and NOT dwell on the past.

Mr. Damian Renzello has purposefully committed FRAUD upon the court which has been his hallmark since the onset of this litigation. Courts are pretty simple, people are hailed into court ONLY after communication breaks down. Courts cannot effectively operate nor can effectively administer justice when FRAUDS are perpetrated against the courts.

Here we have a large scale and heavily orchestrated fraud upon the court with a dishonest plaintiff who from the onset of this case has been dishonest about everything. Apparently during the past year Mr. Renzello has been successful at pulling the colloquial wool over the court's eyes and purposefully denying the defendant's rights which were enumerated in the settlement and are enumerated in the US Constitution and are generally accepted fair and equitable justice by allowing an adverse party the RIGHT to be heard in opposition.

24.) I have NOT seen the ORDER and was NOT informed of any hearing, I have received NO NOTICE I have received no opportunity to learn what is complained of and can only guess as to the nature of the lies Mr. Renzello has spewed forth to the court.

Mr. Renzello has a long history of FRAUD, from Violations of the Consumer FRAUD Act in Vermont investigated by the Attorney General's Office to lawsuits by investors charging him with Fraud, Unjust Enrichment and various kinds of theft, to even lies told on government documents regarding the hiding of assets recently purchased like a harley davidson motorcycle. There is already a motion to vacate the hearing results and the order, although the motion herein is to vacate the order in it's entirety and issue a new order which INCLUDES both parties and restates the terms of the agreement as Mr. Renzello regularly breaches the agreement.

25.) Anything that has occurred via court processes prior to receiving any notice which the first notice was received by my parents in late August of 2015, should be VACATED and this is the FIRST semi-proper notice received regarding any issue. A second chance? Sanctions? Damages? How about damages the government should seek against Mr. Renzello for FRAUD upon the Court? I motion for the court to cite Mr. Renzello, charging him for all costs, for purposeful and willful fraud upon the court and court processes and sanction Mr. Renzello via adequate reprimand and deterrence to insure Mr. Renzello no longer defrauds the court, the defendant nor the judicial process, Mr. Renzello has for far too long been allowed to defraud others, investors, consumers, the defendant and the courts. Enough is enough, Mr. Renzello MUST be held accountable to follow some rules.

26.) UNTRUE, DENIED. It has been Mr. Renzello who has with repetitive insane comments likened any upset or disgruntled customer to blame on my person and has done so with FALSE statements.

27.) This motion is the FIRST semi-proper notice I have received regarding any allegations or request for "cure", per the settlement agreement I should be provided 30 days to present a document of "cure" and defenses and denials of any allegation made for breach.

28.) The Defendant seeks the court allow for proper notice, substance and form in accordance with the original settlement agreement, and that the defendant be provided an opportunity to submit notice of "cure" regarding the allegations.

29.) The Defendant is without notice regarding any hearings and has moved herein for those proceedings and orders to be vacated and the Defendant so herein further MOVES and THUS MOTIONS to be provided with this audio tape AND Transcript transcribed as is proper under the law. And any statements, orders, direction etc. made by the Court be preserved in writing and the defendant given the opportunity to OBJECT and APPEAL.

30.) I am without all the facts and without the documents in question as to fully form an opinion regarding the statements complained of and submit I am not publishing anything about the Plaintiff.

31.) I have NO IDEA what was said and no idea if this is a true statement, I have previously herein above motioned for a copy of the audio tape and transcript of the hearing which was held in error and violation of proper notice and my rights. I renew herein the motion for the hearing and order to be vacated forthwith.

32.) NO MALICE has been made against Mr. Renzello; the ONLY writings on the Internet which are the words of the defendant have come from Court Papers filed in this litigation, the one news article from March 7 of 2007, pre-dates the date of settlement, and all the points of the article can be discussed in detail in a multitude of public filings should the court so warrant.

33.) If that is what the court said, I cannot argue it.

34.) I am not familiar enough with Gertz v. Robert Welch, Inc., 418 U.S. 323,340 (1974) in order to affirm this is a true statement or not. I am familiar that under Gertz the USSC found that strict liability for defamation is UNCONSTITUTIONAL! Since I did not defame Mr. Renzello and the only thing which still exists on the internet is an article from 7 March 2007, which is several months

PRIOR to the settlement and therefore included therein, which exists as a news article on a website NOT owned nor associated with my person. Each point within the article with the exception of who Debra L. Leahy is related to and how the presiding Judge J. Garvan Murtha was appointed to the bench can be backed up and supported by Court Records, and news reports from the Barre-Montpelier Times Argus Newspaper, regarding the registration of a trade name: "The State of Vermont Business Card Exchange", and subsequent Attorney General Investigations related to violations of the Consumer Fraud Act by Damian J. Renzello, in fact this news article was discussed at ENE with the Magistrate Judge who plainly stated it is in the past and covered under the settlement agreement, I doubt as if a Magistrate Judge would LIE in order to reach settlement.

<http://express-press-release.net/35/Fraud%20Against%20the%20Government%20is%20Rampant%20in%20Vermont%20According%20to%20Court%20Documents.php>

As I recall from this case of Gertz the plaintiff as the burden to prove the defendant FIRST ACTUALLY committed the defamation, then prove it was untrue, and then prove the defendant acted with a guilty mind, referred to as mens rea.

This is NOT possible in that the first step in the process cannot be proven **as the defendant has NOT violated the agreement and the statements contained in the above referenced 7 March 2007, article concerning the Plaintiff are in FACT TRUE statements**, and besides the above referenced article of 7 March 2007, is an article which appeared MONTHS PRIOR to the settlement of this matter, was discussed during settlement and stated by the Magistrate to be covered therein

Additionally, the Plaintiff Mr. Damian Renzello has defrauded this court by PURPOSEFULLY and with actual knowledge sought not to properly notice defendant as required in the settlement and provide opportunity to cure or for statement of cure or statement refuting the claims.

THIS IS A FEDERAL CIVIL COURT. THIS IS NOT A SECRET FISA COURT:

<http://www.fisc.uscourts.gov/>

This Federal Civil Court, cannot in good mind allow any hearing or order to stand which the defendant did not receive any notice concerning, attachments so made and the defendant has RIGHTS like the 14th amendment. As well as BASIC CONSTITUTIONAL Rights and the courts must operate with at the very least an appearance of impartiality and fairness.

Additionally given Renzello's propensity to LIE and miss-state material facts, as well as to continually perjure himself in writing the RULES of evidence must be followed as the Internet is NOT anonymous as some would like to believe it is, I work often as a forensic internet expert and trace all sorts of things with the internet, as the internet is scientific and cannot be tricked or fooled! Here are the facts surrounding evidence which must be presented for ANY court makes an affirmative ruling as to whether an action or statement can be attributed to a specific person, as SUBJECTIVE "guessing" of possible or plausible probabilities is inaccurate and flies in the face of reason, common sense, and logic; the FACT is human beings make mistakes;

In contrast, computer-generated records contain the output of computer programs, untouched by human hands. Log-in records from Internet service providers, telephone records, and ATM receipts tend to be computer-generated records. Unlike computer-stored records, computer-generated records do not contain human "statements," but only the output of a computer program designed to process input following a defined algorithm. Of course, a computer program can direct a computer to generate a record that mimics a human statement: an e-mail program can announce "You've got mail!" when mail arrives in an inbox, and an ATM receipt can state that \$100 was deposited in an account at 2:25 pm. However, the fact that a computer, rather than a human being, has created the record alters the evidentiary issues that the computer-generated records present. See, e.g., 2 J. Strong, *McCormick on Evidence* §294, at 286 (4th ed. 1992). The evidentiary issue is no longer whether a human's out-of-court statement was truthful and accurate (a question of hearsay), but instead whether the computer program that generated the record was functioning properly (a question of authenticity). See *id.*; Richard O. Lempert & Steven A. Saltzburg, *A Modern Approach to Evidence* 370 (2d ed. 1983); *Holowko*, 486 N.E.2d at 878-79.

Mr. Renzello's conduct in these proceedings demonstrates via proof positive beyond that of prima facie evidence that Mr. Renzello has operated with a guilty mind and fraud against the defendant and this court, as enumerated in: *actus reus non facit reum nisi mens sit rea* which means: the act is not culpable unless the mind is guilty. Here we have a series of actions by Mr. Renzello which clearly and convincingly demonstrate Mr. Renzello has acted with malice, fraud, and deception in court processes and procedures to deny rights of others costing the court time, money and possible serious reputational damage to the Judicial processes in the United States.

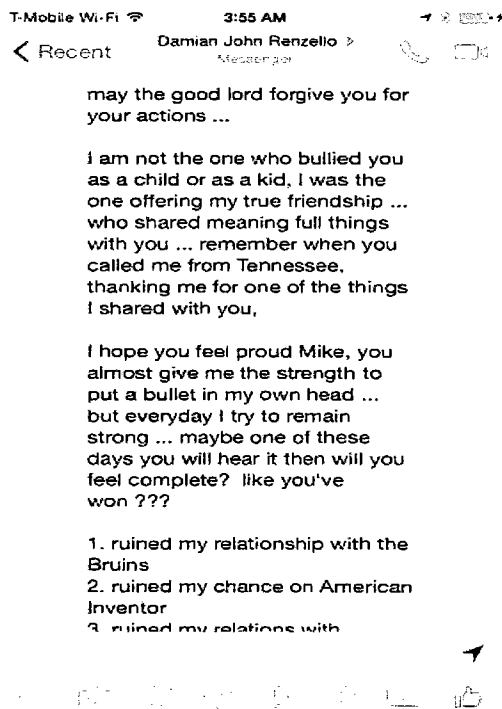
Given the FACT the defendant's parents address and phone number appears in court records and the court sent a US Marshal to the home of the defendant's parents in the past and Mr. Renzello has carried on actions through hearings and orders all the while KNOWING an address where some form of basic notice could be presented, in fact the address appears in the court record of the case!

Now only after Mr. Renzello has attempted numerous times to have the court take action against the defendant without NOTICE or SERVICE of Process or even a phone call PROVES with proof positive Mr. Renzello has been acting with malice and forethought to prevent fairness in this matter.

I submit Mr. Renzello has time and time again for years violated the settlement agreement, I have chosen upon advice of others to IGNORE Mr. Renzello and not waste the court's time or provide a soap box from which Mr. Renzello can stand and seek to drag this obsession of his out further:

Here is one of dozens of screenshots and messages received from Mr. Renzello:

"you almost give me the strength to put a bullet in my own head ... but everyday I try to remain strong ... maybe one of these days you will hear it ..."



Given Mr. Renzello's statements in his communications which are in VIOLATION of the Settlement Agreement and are direct communications sent to the defendant; I would move the Court to move quickly and swiftly in not only sanctioning Mr. Renzello but also seek to PROTECT Mr. Renzello from himself! I do not wish to have ANYTHING TO DO WITH MR RENZELLO! Despite this he continues to contact me. I HAVE NOT agitated nor instigated any of the comments made about Mr. Renzello online and I do not wish to have a friendship or any contact with Mr. Renzello.

WHEREUPON, PREMISES CONSIDERED, DEFENDANT PLEADS and so PRAYS for Relief:

In light of the court's most recent order, with failure to notice the defendant and for the reasons delineated herein, the court ought:

1. DENY all Motions of the Plaintiff, and VACATE any previously granted motions
2. Take the Notice of Cure to heart and instruct Mr. Renzello to READ it and follow the advice contained therein, and the supplemental explanations which will assist his online reputation
3. VACATE all and any ORDERS and Hearings held without proper notice to the Defendant
4. Reprimand the Plaintiff in writing with a stern warning to have REAL evidence and proof in the form of evidentiary supporting documentation, regarding any future claim as not to waste the Tax Payer dollars with the Courts nor the time of everyone involved; the internet is NOT anonymous and not open for subjective interpretation
5. To Issue a NEW Order of the Court, setting forth firmly that BOTH parties are to REFRAIN from and be forever enjoined from defaming, talking about, writing about, accusing the other of anything; this new order should be directed EQUALLY at BOTH Parties and should go on to further state the PARTIES shall CEASE and DESIST from any writings about the other, on or off the Internet; it should provide clear warning to BOTH parties for any violation thereof
6. To require any future complaints regarding the Settlement Agreement to be SERVED in PROPER PERSON against the other party; meaning by human process service agent (not US mail) as to prevent Mr. Renzello from abusing the conditions that were first established in the original settlement; which required notice via registered mail, as it is evident Mr. Renzello purposefully sought to defraud the court processes and cause unnecessary costs to all involved, had Mr. Renzello sought proper notice the Court would have saved the Taxpayers tremendous expense; as this action could become very large quickly given Renzello's fraud

Defendant HEREUPON signs his hand at Pedralbes, Barcelona, Catalonia, Espana, on this the 26 day of August 2015:

Michael Nelson
in Proper Person
(ProSe)



Certificate of Service having caused the foregoing and attachments to be sent to the care of:

Luellen Mcdonagh 1325 Route 14 South East Montpelier Vermont 05651

(the return address on the registered mail letter received by my parents)

Attachments and Annexed incorporated herein Documents: Cure Document; Response to Exhibts A, B, C as opposition to Motion; Document how to deal with Online comments various exhibits